

The Leesburg Planning Commission met on Thursday, August 5, 2004, in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, Aref Etemadi, Lee Phillips, David Fuller, Paul Gauthier, and Linda DeFranco.

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Vaughan.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Vaughan
Commissioner Bangert
Commissioner Barnes
Commissioner Hoovler
Commissioner Jones (arrived 7:19pm)
Commissioner Kalriess
Mayor Umstattd
Commissioner Wright

ADOPTION OF THE AGENDA

Commissioner Hoovler moved to adopt the agenda as presented.

Motion: Hoovler
Second: Kalriess
Carried: 6-0*

*Commissioner Jones was not present for this vote

APPROVAL OF MINUTES

Chairman Vaughan pointed out a correction on Page 7 of the July 15 minutes and asked that the sentence be rewritten to say "The Planning Commission made a motion to go back to the Subcommittee of the County Planning Commission ..." Commissioner Hoovler moved that the minutes of the July 15, 2004 meeting be adopted as noted.

Motion: Hoovler
Second: Wright
Carried: 6-0*

*Commissioner Jones was not present for this vote

PREVIEW CASES

None

CHAIRMAN'S STATEMENT

None

PETITIONERS

None

PUBLIC HEARING

None

SUBDIVISION AND LAND DEVELOPMENT

**Woodlea Manor Booster Pumping Station and Western Pressure Zone Pump Upgrade – Preliminary/Final Development Plan (TLCI-2003-0003)
Bradfield Drive (on Wespark Golf Course) – Lee Phillips, Chief, Current Planning**

Lee Phillips gave an overview of the project pointing out that it is mainly to increase water pressure in the Woodlea area of town. It entails a new pumping station on Bradfield Drive, upgrade inside the current pumping station on Route 15 and installing a check valve at Meade Drive.

Aref Etemadi, Assistant Director of Utilities, offered a brief history of why this project was occurring.

Mayor Umstattd asked what type of vibration control methods are used in this type of project.

Mr. Etemadi stated that he had never heard of a vibration complaint. He went on to say that the construction of the pump stations minimizes any type of vibration or noise.

Chairman Vaughan asked that Mr. Etemadi meet with Mr. Turner, a resident of Country Club, and explain the project to him, including any vibration concerns.

Commissioner Hoovler moved that the Planning Commission approve the preliminary/final development plan of the Woodlea Manor Booster pumping station, the Checkvalve Vault and the Western Pressure Zone Pump Upgrade.

Motion: Hoovler
Second: Kalreiss
Carried: 6-0*

*Commissioner Jones was not present for this vote

**Banyan Cove – Preliminary Development Plan (TLPF 2004-0010) – 905-909
Edwards Ferry Rd., NW – Lee Phillips, Chief, Current Planning**

Lee Phillips explained that this was a first submission briefing for a townhouse style condominium project. There are three major issues, one the location of the recreation facility near Edwards Ferry Road; secondly the parking lot layout cannot accommodate an SG 30 vehicle. This means a moving van cannot negotiate into a part of the development. The third issue was the extension of a third turn lane to provide easy entrance into the area.

Commissioner Kalriess asked about the setback from the roadway and whether the applicant had addressed this. Mr. Phillips stated that there are some problems with the required setback and buffer yard requirements. He also felt the interior lot landscaping needed some additional review.

Chairman Vaughan cautioned that this was a preliminary review, therefore the applicant had not yet been informed of the detailed staff concerns and options should not be formed. The purpose of this review is to inform the Commission only.

Commissioner Wright concurred that the site seemed overloaded causing turn around problems, etc. He also mentioned that he did not see sidewalks indicated along Edwards Ferry Road

Commissioner Bangert asked what townhouse style apartments are. Mr. Phillips explained that they look like townhouses, but there are no fee-simple lots involved. Each unit is one multi-level apartment.

Chairman Vaughan commented that the transportation issues are of concern. The fact that the accessway is directly on Edwards Ferry Road will cause several problems because of its proximity to the light at Edwards Ferry and Leesburg Park/Shenandoah Square areas. Chairman Vaughan asked if they might be better off making the access go onto Heritage Way and then Edwards Ferry Road.

John Wood of Dupont Properties stated that these would be condominiums, not apartments, so they would be privately owned. He also mentioned that they tried to purchase property but ran into some problems because that would diminish the open space requirements for the existing apartments.

Commissioner Kalriess asked if this were pursued, would it solve the problem. Chairperson Vaughan stated that this was a briefing and that engineering comments would be presented at a later date.

COMPREHENSIVE PLANNING

David Fuller, Chief, Comprehensive Planning, gave an update of the 60/40 meeting that was held in late January 2004. He explained that 60/40 was one of several town objectives in the land use element of the 1997 town plan to encourage growth to decrease residential property taxes to less than 60% of the overall tax base, the remainder of the taxes should be from non-residential uses.

Various scenarios were presented using cases for tax breakdown if all vacant land was developed with non-residential uses, residential uses, and mixed uses. Information was made available through both a power point presentation and handouts. Charts indicating actual revenues from taxes were provided to indicate where Leesburg is right now with current budget numbers. There was some further explanation of the numbers provided in the tables. Right now, Leesburg is at an 80/20 ratio for property taxes, about 50/50 for non property taxes with total tax revenue coming in at around 55/45.

Chairman Vaughan asked when this concept was arrived at, were they looking at only residential vs. non-residential property taxes, or all taxes overall?

Mayor Umstattd asked whether total buildout options shown on the chart utilized only the real property taxes? If so, this would not be a true accounting of how taxes break out residential vs. non-residential. An accurate financial picture should include all taxes.

Commissioner Bangert asked about the miscellaneous category and what that includes. Susan Swift said it includes items such as grants and other funds – including bond transfers, etc.

Commissioner Kalriess asked how the 86/14 allocated on the General Fund Costs table was arrived at. Mr. Fuller responded that this was the number of houses vs. the number of businesses averaged with the relationship of assessed values for each. Mr. Kalriess went on to ask if the allocation were reversed, more business than residential, would the costs remain the same? Mr. Fuller responded that the numbers are an approximation of real costs, using a formula that is an accepted way to figure this.

Commissioner Jones asked what the general categories of costs were set out. Mr. Fuller pointed the categories out on the page.

Mr. Fuller provided further information reflected on the charts and explained the projected percentages vs. actual revenues and costs. At the end of the presentation, Mr. Fuller asked the Commission what information they would like to see included, and how they would like to see the scenarios proceed.

Commissioner Hoovler asked how the 2004 data compared with what is in the pipeline and how this will impact the numbers. Will these numbers be included? He suggested that they might be used as a second tier of analysis.

Mr. Hoovler went on to say that the information provided was excellent and he feels that the EDC has a good basis to work with.

Chairman Vaughan said that he thought the percentage was close to 60/40 and asked how much closer they need to be. Is 60/40 the ideal and only acceptable ratio? Mr. Fuller said there is a margin of error for all of the numbers reported. Also, is the 60/40 number a reasonable expectation for Leesburg?

Commissioner Jones asked what the value of a home was for a breakeven point. The County uses this number, does the town have any benchmark? Would this information be valuable.

Commissioner Wright said that we can't get to 60/40 on property tax alone, however, they need to be careful what tax revenue and expenditures are used. Schools are not reflected in this analysis, even though they do impact the overall picture.

Chairman Vaughan asked what the Planning commission needs to do with this at this point. Susan Swift said this was basically an update.

Commissioner Bangert said she still had issues she would like to hammer out with the EAC and EDC prior to this study proceeding. Susan Swift said they would each be briefed and then there would be another joint meeting.

Commissioner Kalriess asked if this is based on real property values, this would be a tough thing to accomplish. What was the intent of the 60/40 – was this ever achieved? Susan Swift said that based on real property taxes only, 60/40 is not achievable. That is only one of several factors. When they are looking at land use plans, they need to keep in mind how this potential will impact the 60/40.

Commissioner Hoovler asked if the policy should be changed, will this be reported annually? Susan Swift answered that yes, that was a good idea since the baseline is there.

Mayor Umstattd said the breakeven value of a house is \$900,000. 60/40 is an arbitrary number and the goal is to keep taxes low. Is the goal to bring in businesses to reduce the real property tax? This is the main goal. She was pleased with the report and said it will be an enormous help with the future planning of Leesburg.

Chairman Vaughan asked if it would be possible to look at the impact that schools would have. There was some discussion on the town's responsibility to school sites and the Mayor clarified that under a previous 1984/85 annexation agreement, there were some schools sites that the town provided, but all of those have now been satisfied.

Chairman Vaughan asked if the presentation of this report to the EAC and EDC had been scheduled yet. Mr. Fuller said that it was in the works. Mr. Vaughan asked that this remain a priority and that the Planning Commission be kept apprised of all activity pertaining to this.

Transportation Scenario Data – Susan Swift, Director, Planning, Zoning and Development.

Planning & Zoning Director, Susan Swift, explained to the Commission about the data that is being collected regarding transportation issues and impacts for use in the town plan and also for future planning in Leesburg. The County model will be ready in October, so some of the data collection will be delayed until that is complete. Therefore, information on the transportation scenarios will probably not be available until later in the fall or early next year.

Chairman Vaughan mentioned that years ago there was a regional traffic council that provided regional data on traffic impacts. He wondered if this type of data was still available rather than wait for the county report. Ms. Swift replied that yes, VDOT has some studies, but that the regional information is too broad to give accurate data for Leesburg. Mayor Umstattd mentioned that this Leesburg no longer has a seat on this authority, although there is citizen representation. There is an effort moving forward to regain representation.

Commissioner Hoovler stated that it had been some time since Council had been briefed on the Town Plan. He would like to see them brought up to speed on this.

Commissioner Bangert asked how Kimley Horn was chosen. Ms. Swift said that there was a Request for Quote issued. Ms. Bangert said that she would like to see the County be a key part of this study and wanted to know if staff was involved. She added that she would like to see county staff invited to all meetings regarding transportation scenarios and everything that pertains to the UGA.

Commissioner Wright asked if his understanding of what VDOT and County have are similar reports. Ms. Swift replied that they are separate reports but are very important for town plan information. He asked if once the information is gathered, if staff would complete the report or if this would still be outsourced. Ms. Swift replied that it would be outsourced.

Commissioner Kalriess asked what the meaning of low, medium and high density models meant. Susan Swift replied that it breaks down as residential, non-residential and existing condition information, and a fourth scenario for the UGA.

COUNCIL AND REPRESENTATIVE'S REPORT

Mayor Umstattd announced that Congressman Frank Wolf would be at Dodonna Manor to report that he has asked for a quarter of a million dollars for the restoration efforts of Dodonna Manor and invited all to attend. With regard to Banyan Cove, she asked why the applicant was going for a condominium arrangement rather than a townhouse concept. Apparently the zoning in that area does not allow for the townhouse concept. She asked if it would be desirable to allow lower density in the higher density zoned area.

Commissioner Jones asked if she was requesting that a zoning ordinance change run parallel with this application. Mayor Umstattd replied that she was not really asking for that, that she thought it should be a consideration. Commissioner Jones stated that some of the older condo units struggled for many years and wondered if the condo concept was the best use for this application. He went on to ask if this possible ordinance amendment could run parallel with this application without delaying it. Susan Swift said they had a by-right use and this would require a code amendment. This could take six months or more and could significantly delay the project.

Commissioner Bangert said that it couldn't hurt to ask the applicant if they were willing to wait. Susan Swift said they certainly could ask.

Commissioner Kalriess said that if they go condo, that process could take 3-4 months, so having a text amendment might not be that much of a delay. Mayor Umstattd said that they could initiate this through Council. Susan Swift said the fees were not a problem, but the research required for this type of amendment was time consuming and staff time really was not available to devote to this. The legal deadlines and the specific timeframes that are involved would prohibit researching the code amendment at this time.

Commissioner Barnes said that with a townhouse concept, the number of units will decrease. This might not be feasible to the applicant.

Chairman Vaughan said the condo vs. fee simple townhouse was important because of the high cost of housing in the area. He felt that offering condos could give people a better opportunity at affordable housing in Leesburg. Mayor Umstattd agreed but wondered if that would apply to this situation since these will be larger condos that are the size of a townhouse.

Commissioner Jones said the largest negative of condos is the great escalation of condo fees over the past few years. Unfortunately these fees are difficult to regulate and they are not reported on the Market.

STAFF AND COMMITTEE REPORTS

Commissioner Bangert reported on the Environmental Advisory Commission stating that they are currently reorganizing since there are only two standing members left. They are also concentrating on the watershed study that was put together.

Commissioner Hoovler attended the Economic Development Commission meetings which were basically reorganization meetings since they also have several new members. They will be doing a strategic plan and there was some review on the Crossroads and parking plans.

Chairman Vaughan recapped the last Board of Architectural Review meeting that he attended stating that they have three new members, two of whom are architects and the other being a preservationist. Theresa Minchew was elected as the new chairperson. The

large house near the bike trail on S. King street was of most concern. There were some changes in the architectural design by putting in a new façade that will look for like an older home.

OLD BUSINESS

Commissioner Hoovler again brought up the fact that there should be a report made to Council on the Town Plan. Susan Swift asked who would give the report. Should a written report be presented, or will there be a formal presentation at a Council meeting. Mayor Umstattd suggested that a written report be prepared since lately the council meetings have been very lengthy. Mr. Hoovler went on to suggest that this report be circulated to the EAC, EDC and the Planning Commission.

Commission Clerk Linda DeFranco asked the new commissioners to review information on the VCPA Certified Planning Commission program being offered on September 30/October 1 and December 9-10, and to let her know as quickly as possible if they would be attending.

Susan Swift pointed out that there is a bio on the potential retreat facilitator attached to the current packet. She asked that they pick a date on a Saturday and move forward to get this going. November 6 was one date that was chosen, and this would be an all day session. An agenda should be prepared so that the program is predirected.

Commissioner Hoovler suggested that this could help to process the town plan. Chairman Vaughan asked to set a date that everyone would submit their suggestions by. September 16th was chosen.

NEW BUSINESS

Commissioner Bangert thanked the staff for adding the additional information in the packet. Commissioner Hoovler echoed the comment, as did Chairman Vaughan.

Chairman Vaughan stated that he received a letter from the applicant of Meadowbrook asking for a committee to work with the applicant and residents. The decision on involvement had previously been determined, and Ms. Swift said that all correspondence should come to her and let her disseminate the information to the Commission. Mr. Vaughan went on to say that the applicant now wants the Commission involved because he alleges that the Keep South Leesburg Beautiful Committee has poisoned the minds of the homeowner's associations and now no one will meet with them. The previous decision was that commission members could attend the public meetings as interested citizens, but not as official representatives of the Planning Commission. Also, no more than two commissioners should be in attendance at the same meeting.

Commissioner Vaughan asked about the "no adverse impact" memo on the trailers at the VoTech center and wondered why there was no discussion on the special exception by

the Planning Commission. Susan Swift said this was not a special exception, it was simply an information item.

Commissioner Wright asked to add a column indicating a deadline for action be added to the application report. He also has two items for the “Glitch” list. One dealt with Commission Permit language to indicate whatever approvals might be required will add time to the application. The other comment was “when does the clock start for Meadowbrook” and other applications. Does it start after the public hearing, or prior to. He turned in some recommended language.

Commissioner Jones stated that the redevelopment effort of the downtown Crossroads made a presentation to Council stressing the need for a master plan so this can be interfaced with future plans. Where can it go from here? There needs to be some direction so that everything moves forward. Susan Swift said that town staff needs to work with Crossroads to outline the projects and then see how this all fits into a master plan. This meeting is being planned. Mr. Jones asked if it would be possible to identify a person to assure that meetings on this take place and that the efforts are all going in the same direction.

Chairman Vaughan asked that committee issues not be brought up to Planning Commission until Council sets out a directive pertaining to them. Mayor Umstattd said that timing was critical and that a master plan for the Crescent area of the Town Branch is essential. How this will fit into the town plan is unclear but it must proceed and the two need to fall into place hand in hand. Currently there is a design completed on the flood control – however, will this fit in with potential riverwalk plans? These are the types of concerns that need to be addressed.

Commissioner Bangert asked if an update on Beauregard could be given to the Commission. Susan Swift said that a report could be prepared. This application was not withdrawn, the plan was revised and one part of this is currently being sold as lots.

Commissioner Kalriess asked if there was a way to raise the bar on architecture. Can we encourage architecture that is more in line with the historic character of the town. Other jurisdictions seem to be able to do it, is there a way to get in to the forefront on by right uses? Can developers be “incentivized”? Susan Swift said the hardest part is to implement this. There is currently some research being done on this and the issue could be included in the next group of code amendments.

Mr. Kalriess said this could be part of the 05 plan and asked if it will be included. It has been determined that on by right uses we cannot ask for architectural standards, however, through some proper wording, there are ways to work through this.

Commissioner Hoovler asked how this was accomplished with the Catoctin Circle Center? There it became a voluntary matter after meeting with staff.

Commissioner Kalriess said that residential architecture is as important as the commercial and he asked if this could be incorporated and put in the forefront of the town plan.

Chairman Vaughan said that they had considered making this a part of the town plan. Considerations of affordability also fall into place. Not everyone can afford a \$900,000 house, so having housing such as the trailer park, is essential to maintaining an affordable housing balance. Susan Swift said that low cost housing can still have a compatible design.

Commissioner Kalriess said that tax revenue can be set aside to assure that public housing is made available and that all of this needs to be addressed in the overall comprehensive plan.

ADJOURNMENT

The motion was made and seconded to adjourn at 9:20 pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Clifton Vaughan, Chairman